

**IN THE UNITED STATES DISTRICT COURT FOR THE
SOUTHERN DISTRICT OF MISSISSIPPI
NORTHERN DIVISION**

KIMBERLY ALEXANDER

Plaintiff

vs.

VICKSBURG BATTLEFIELD HOTEL,
LLC d/b/a MOTEL 6 VICKSBURG

Defendants

Civil Action No. 3:19-cv-47-CWR-LRA

NOTICE OF REMOVAL

TAKE NOTICE that, under the authority of 28 U.S.C. §§ 1332, 1441 and 1446, Vicksburg Battlefield Hotel, LLC d/b/a Motel 6 Vicksburg ("Motel 6") files this Notice of Removal of Civil Action No. 19,0001-CI, styled *Vicksburg Battlefield Hotel, LLC d/b/a Motel 6 Vicksburg*, from the Circuit Court of Warren County, Mississippi to the United States District Court for the Southern District of Mississippi, Northern Division. In support of this Notice, Motel 6 states the following:

1. This lawsuit arises out of events which occurred at Motel 6 in Vicksburg, Mississippi. Plaintiff alleges that Motel 6:

"negligently caused the dangerous condition to exist on the premises and/or the Defendant and the Defendant's agents and employees were careless and negligent in that they knew, or in the exercise of reasonable care, should have known the premises were dangerous, yet the Defendant and/or its agent or employees failed to give adequate notice or warning to the Plaintiff, of the dangerous condition on its premises which caused the Plaintiff to fall."¹

¹ See generally, Complaint, Ex. 1.

2. On January 2, 2019, Plaintiff filed her Complaint in the Circuit Court of Warren County, Mississippi naming Vicksburg Battlefield Hotel, LLC d/b/a Motel 6 Vicksburg. In her Complaint, Plaintiff did not state that her damages exceeds the \$75,000.00 amount in controversy.² However, based on reason and belief and candid discussions with Plaintiff's counsel, Plaintiff's injuries indicate that her damages exceed the amount in controversy.

3. This Court has diversity jurisdiction over this matter under 28 U.S.C. § 1332 because (1) the amount in controversy exceeds \$75,000.00, exclusive of costs and interest, and (2) there is diversity of citizenship between the Plaintiff and Motel 6.³ Motel 6 is a Mississippi corporation. Plaintiff is a resident citizen of Tennessee. Therefore, there is complete diversity of the parties and this Court also has diversity jurisdiction under the provisions of 28 U.S.C. § 1332.

4. The timing of this Notice of Removal is proper because Motel 6 removed the civil action "within 30 days after the receipt by the defendant, through service or otherwise, of a copy of the initial pleading setting forth the claim for relief upon which such action or proceeding is based."⁴ Plaintiff filed this civil action in the Circuit Court of Warren County, Mississippi on January 2, 2019 and a copy of said Complaint was provided to counsel for Motel 6, R. Jarrad Garner and Darryl A. Wilson, on January 8, 2019. Therefore, removal is proper under 28 U.S.C. § 1446.

5. For these reasons, this Court has subject matter jurisdiction under 28 U.S.C. § 1332 and removal is proper under 28 U.S.C. §§ 1441 and 1446. Additionally, venue is proper in the United States District Court for the Southern District of Mississippi, Northern Division, because that is the district in which Plaintiff filed the state court action.⁵

² Complaint, Ex. 1.

³ 28 U.S.C. § 1441(b)(1).

⁴ 28 U.S.C. § 1446(b).

⁵ 28 U.S.C. § 1446(a), 28 U.S.C. § 104(a)(2).

6. Motel 6 will, after promptly filing this Notice of Removal, give notice to all parties and the Circuit Clerk of Warren County, Mississippi, by filing a copy of this Notice of Removal with the Circuit Clerk of Warren County, Mississippi.

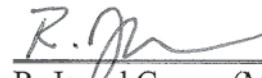
7. Finally, under the provisions of 28 U.S.C. § 1446(a) and L.U. Civ. R. 5(b), a copy of the entire record from the Circuit Court of Warren County, Mississippi will be provided within fourteen days of this Notice.

Dated: January 17, 2019.

Respectfully submitted,

**VICKSBURG BATTLEFIELD HOTEL,
LLC, d/b/a MOTEL 6 VICKSBURG**

By:



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CERTIFICATE OF SERVICE

I, R. Jarrad Garner, one of the attorneys for Defendant Vicksburg Battlefield Hotel, LLC d/b/a Motel 6 Vicksburg, do hereby certify that I have this day electronically filed a true and correct copy of the foregoing *Notice of Removal* with the Clerk of Court, which sent notice of said filing to:

Craig R. Sessums, Esq.
FUNDERBURG, SESSUMS, & PETERSON, PLLC
901 North State Street
P. O. Box 13960
Jackson, MS 39236-3960
csessums@fsplawfirm.com

Dated: January 17, 2019.



R. Jarrad Garner